TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: March 4, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Repeal R307-165. Emission Testing and Reenact R307-165. Stack Testing.

The Division of Air Quality (DAQ) is proposing the repeal and reenactment of R307-165 that outlines the requirements for notifying, conducting, and reporting stack tests. The existing rule lacks the requirement for stack testing results to be submitted to DAQ. To align with federal requirements, the rule was opened for this addition. The UDAQ then determined that the rule should be updated to align with current stack testing practices, rule formatting, and for general clarity. Based on the multitude of changes, DAQ is proposing the repeal of the existing R307-165 and reenactment with the proposed rule.

Notable changes between the existing and proposed rule include the modification of the testing frequency section, removal of appeals to the Air Quality Board (Board) for stack testing frequency exemptions, the clarification of the *Purpose and Applicability* section, conformity with existing Part H stack testing conditions, and the addition and specification of *Reporting Requirements*. The decision to remove the appeal language is additionally based on the lack of historical appeals. Further, appeals for test frequency variances were not in line with stack testing requirements as imposed through federal regulations, R07-401, or Part H of the State Implementation Plan.

The proposed R307-165 was shared with stakeholders. Comments were received and changes were incorporated including clarification of applicability; alignment of the requirements in R307-165-4, Test Conditions, with Part H, and the removal of a stack testing definition. EPA has reviewed the proposed changes and indicated they are approvable.

Recommendation: Staff recommends that the Board repeal existing R307-165. Emission Testing and reenact the proposed R307-165. Stack Testing for public comment.